

Gateway Determination

Planning proposal (Department Ref: PP-2023-2545): to reclassify Council owned land from 'Community' land to 'Operational' land at 1192 Pacific Highway, Pymble.

I, the Director, Agile Planning at the Department of Planning Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to reclassify Council owned land from 'Community' land to 'Operational' land at 1192 Pacific Highway, Pymble should proceed subject to the following conditions:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

The local environmental plan should be completed on or before 22 November 2024.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to:
 - (a) update the assessment against LEP Practice note PN 16-001 checklist to clearly articulate how each item is addressed and provide as a standalone document.
 - (b) update the project timeline to reflect the timelines detailed in this determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Sydney Water
 - Transport for NSW
 - Department of Climate Change, Energy, the Environment and Water (NSW) – Environment and Heritage
 - Other relevant utility providers, such as Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is required to be held into the matter in accordance with Section 29 of the *Local Government Act 1993* and the Department's Practice Note PN 16-001.

Dated 9 February 2024

A handwritten signature in black ink, appearing to read 'LMcMahon', is positioned above the printed name and title.

Louise McMahon
Director, Agile Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Mr David Marshall
Acting General Manager
Ku-ring-gai Council
818 Pacific Highway,
Gordon, NSW 2072

Our ref: IRF24/194

Dear Mr Marshall,

Planning proposal (PP-2023-2545) to amend Ku-ring-gai Local Environmental Plan 2015

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 14 November 2023 in respect of the planning proposal to reclassify Council owned land from 'Community' land to 'Operational' land at 1192 Pacific Highway, Pymble.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes as the subject site is surplus to Council needs.

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority as the proposal relates to the reclassification of Council owned land.

The amending local environmental plan (LEP) is to be finalised on or before 22 November 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Andy Ng to assist you. Mr Ng can be contacted on (02) 9585 6438.

Yours sincerely

A handwritten signature in black ink, reading "LMcMahon", is centered within a light gray rectangular box. The signature is fluid and cursive.

Louise McMahon
Director, Agile Planning

Encl: Gateway determination
Guidance on Timeframes (August 2023)

Guidance on maximum Benchmark Timeframes for planning proposals

The NSW Government is committed to reducing the time taken to assess planning proposals. The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses.

Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required. The Minister may appoint an alternate planning proposal authority if Council does not meet these timeframes.

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 – Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 – Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 – Gateway determination	25 days	25 days	45 days	45 days
Stage 4 – Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 – Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 – Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive).

Planning proposal PP-2023-2545 is categorised as a Standard proposal as described in the Local Environmental Plan Making Guidelines (Department of Planning, Housing and Infrastructure, August 2023).

To ensure your planning proposal is finalised by 22/11/2024 and meets the benchmarks timeframes for a Standard proposal we recommend the following milestones:

Community consultation should start:	23 April 2024
Post exhibition report back to Council:	5 September 2024
Submit for GIS and legal drafting:	11 October 2024
LEP completion:	22 November 2024

Please contact the Department as soon as possible in the event that unexpected delays occur that may impact timing, so that assistance to meet these timeframes can be discussed.